

## ORDINANCE NO. 270– 07

BY: **SEAN BRENNAN**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER  
INTO AN INTERIM VIDEO COMPETITION AGREEMENT  
WITH AT&T OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the Ohio General Assembly has enacted Sections 1332.21 through 1332.34 of the Ohio Revised Code, which will become effective September 24, 2007, to provide a statewide “uniform regulatory framework” for the provision of cable television and/or other video service; and

WHEREAS, pursuant to R.C. Section 1332.23, any new video service provider intending to provide video service to subscribers in the City will be required to apply for and obtain a video service authorization from the Director of the Ohio Department of Commerce; and

WHEREAS, the Ohio Bell Telephone Company, an Ohio corporation using the name AT&T Ohio (“AT&T”) has approached the City of Parma for temporary authorization to utilize communications facilities located in the City’s public rights-of-way to provide video service, including IP Video Service, within the City, and to install and upgrade its facilities within the City for this purpose; and

WHEREAS, this Council believes that additional competition in the provision of video programming services within the City should provide benefits to consumers of such services; and

WHEREAS, AT&T and the City of Parma have negotiated the terms and conditions of a temporary consent agreement concerning AT&T’s facilities upgrade and the provision of the IP Video Service within the City, which consent agreement is entitled the “Interim Video Competition Agreement between the City of Parma, Ohio and AT&T Ohio”; and

WHEREAS, this Council has determined that it would be in the City’s best interests to enter into an agreement with AT&T substantially in accordance with the Interim Video Competition Agreement attached to this Ordinance as Exhibit A, in order that the City’s residents may have an additional choice in video service providers at the earliest possible time.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That this Council hereby authorizes the Mayor to execute an agreement with AT&T Ohio, which Agreement shall be substantially in accordance with the proposed Interim Video Competition Agreement referenced above, attached as Exhibit A and incorporated into this Ordinance by reference. This Agreement shall be effective until such time as AT&T Ohio obtains a video service authorization from the Director of the Ohio Department of Commerce that permits the provision of video service by AT&T Ohio within the City of Parma.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this Ordinance must take effect immediately so that the residents of the City will have the opportunity to enjoy the benefits of additional competition in cable and video services within the City at the earliest possible date, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____	_____ PRESIDENT OF COUNCIL
ATTEST: _____ CLERK OF COUNCIL	APPROVED: _____
FILED WITH THE MAYOR: _____	_____ MAYOR, CITY OF PARMA, OHIO